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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,987	10/24/2003	Gary J. Oswald	CS23136RL	1738
20280	7590	04/17/2006		
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			EXAMINER RAMAKRISHNAIAH, MELUR	
			ART UNIT 2614	PAPER NUMBER

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/692,987	OSWALD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Melur Ramakrishnaiah	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10-24-03/2-22-05</u> | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For example independent claims 1, 9, 17 all have limitations such as detecting incoming call, determining whether incoming call is a video telephony call. The specification does not explain how it is determined that incoming call is a video telephony call.

Dependent claims 8 and 16 have limitations such as determining whether the incoming call is a multimedia message service call, playing multimedia message included the incoming call upon completing the incoming call. Again applicant's specification does not explain how it is determined whether the incoming call is a multimedia message service call, playing multimedia message included the incoming call upon completing the incoming call.

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed elements (claims 6-7 and 14-15) such as external camera attached to the wireless communication

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device must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1, 3-5, 5, 9, 11-13, 17-18, 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura (EP1026895A1) in view of Kosaka (JP02000124993A).

Regarding claims 1 and 9, Matsumura discloses a method in a wireless portable communication device having a video telephony communication capability for responding to an incoming call, the method comprising: detecting an incoming call, determining whether the incoming call is a video telephony call, configuring the wireless portable communication device for video telephony communication upon determining the incoming call is a video telephony call, completing the incoming call, and processing the incoming call as a video telephony call completing the incoming call and processing the incoming call as video telephony call (figs. 1-2, paragraphs: 0015-0024).

Regarding claim 17, Matsumura a wireless portable communication device having a video telephony communication capability comprising: a video telephony call detector (12, fig. 1) configured to determine whether an incoming call is a video telephony call, a video telephony communication module (20/30, fig. 1) coupled to video telephony call detector, the video telephony communication module configured to process the incoming call (figs. 1-2, paragraphs: 0015-0024).

Matsumura differs from claims 1, 9, and 18 in that he does not teach the following; receiving a single user action signal, video telephony communication enabler configured to accept an enabler input signal, enabler input signal is generated upon a single action performed upon wireless portable communication device and it enables process the incoming a call as a video telephony signal.

However, Kosaka discloses video telephone which teaches the following: receiving a single user action signal, video telephony communication enabler configured to accept an enabler input signal, enabler input signal is generated upon a single action performed upon wireless portable communication device and it enables process the incoming a call as a video telephony signal (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Matsumura's system to provide for the following: receiving a single user action signal, video telephony communication enabler configured to accept an enabler input signal, enabler input signal is generated upon a single action performed upon wireless portable communication device and it enables process the incoming a call as a video telephony signal as this arrangement would facilitate user control of communications to accommodate user needs as taught by Kosaka.

Regarding claims, 3-5, 11-13, 20, Matsumura does not teach the following: user action signal is generated upon actuating a key of a user interface of a wireless portable communication device, setting video and audio quality based upon pre-selected user preference, allowing the pre-selected user preference to be modified after receiving the incoming call, capturing an image by the camera, and transmitting the captured image upon receiving the activation signal, the enabler input signal is generated upon actuating a key of the plurality of keys of the key pad.

However, Kosaka teaches the following: user action signal is generated upon actuating a key of a user interface of a wireless portable communication device, setting video and audio quality based upon pre-selected user preference (for example setting

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low communication speed), allowing the pre-selected user preference to be modified after receiving the incoming call (for example increasing the communication speed and volume set high), capturing an image by the camera, and transmitting the captured image upon receiving the activation signal, the enabler input signal is generated upon actuating a key of the plurality of keys of the key pad (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Matsumura's system to provide for the following: user action signal is generated upon actuating a key of a user interface of a wireless portable communication device, setting video and audio quality based upon pre-selected user preference, allowing the pre-selected user preference to be modified after receiving the incoming call, capturing an image by the camera, and transmitting the captured image upon receiving the activation signal, the enabler input signal is generated upon actuating a key of the plurality of keys of the key pad as this arrangement would facilitate user control of communications to accommodate user needs as taught by Kosaka.

3. Claims 2, 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura in view of Kosaka as applied to claims 1, 17 above, and further in view of Takeuchi (JP2002044704A).

Regarding claims 2, 10 and 19, the combination teaches video telephony call detector that determines incoming call is a video telephony call (fig. 2 of '895); but it does not teach the following: the wireless portable communication device comprises first and second housings which move relative to each other between a closed position

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and an open position, the single user action signal is generated upon moving the first and second housings relative to each other from the closed position to the opened position.

However, Takeuchi discloses portable radio telephone which teaches the following: the wireless portable communication device comprises first and second housings which move relative to each other between a closed position and an open position, the single user action signal is generated upon moving the first and second housings relative to each other from the closed position to the opened position (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Matsumura's system to provide for the following: the wireless portable communication device comprises first and second housings which move relative to each other between a closed position and an open position, the single user action signal is generated upon moving the first and second housings relative to each other from the closed position to the opened position as this arrangement would facilitate enhancing the operability of the communication device as taught by Takeuchi.

4. Claims 6-7 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura in view of Kosaka as applied to claims 1 and 9 above, and further in view of Inkinen et al. (EP 1111921, hereinafter Inkinen).

The combination differs from claims 6-7 and 14-15 in that it does not teach the following: an external camera attached to the wireless portable communication device.



However, Inkinen discloses video conference system which teaches the following: an external camera attached to the wireless portable communication device (fig. 1, see abstract and fig. 1).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: an external camera attached to the wireless portable communication device as this arrangement would provide another alternative means of imaging facility as taught by Inkinen, thus providing flexibility to the user for imaging.

5. Claims 8, 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura in view of Kosaka as applied to claims 1 and 9 above, and further in view of Yonemitsu (JP406284220A).

Regarding claims 8 and 16, the combination does not teach the following: determining whether the incoming call is a multimedia message service call, and playing a multimedia message including the incoming call upon completion of the incoming call.

However, Yonemitsu discloses video telephone system and communication method for video telephone which teaches the following: determining whether the incoming call is a multimedia message service call, and playing a multimedia message including the incoming call upon completion of the incoming call (fig. 1, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: determining whether the incoming call is a multimedia message service call, and playing a multimedia message including the incoming call upon completion of the incoming call as

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this arrangement would facilitate communications between users when they are not available for communications as taught by Yonemitsu.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumura in view of Kosaka as applied to claim 20 above, and further in view of Sato et al. (US 2004/0240434 A1, filed 7-5-2002).

Regarding claim 21, the combination does not teach the following: key pad is configured to generate a text message to be transmitted as part of the transmission communication signal, and the display is display at least one of: text message, text portion of incoming call, and captured images to be transmitted.

However, Sato discloses mobile terminal apparatus which teaches the following: key pad is configured to generate a text message to be transmitted as part of the transmission communication signal, and the display is display at least one of: text message, text portion of incoming call, and captured images to be transmitted (paragraphs: 0006-0017).


Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: key pad is configured to generate a text message to be transmitted as part of the transmission communication signal, and the display is display at least one of: text message, text portion of incoming call, and captured images to be transmitted as this arrangement would facilitate sending/receiving text messages including images during communication between users as taught by Sato, thus enhancing the communication potential between the users.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Melur Ramakrishnaiah  
Primary Examiner  
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